

MINUTES OF THE CITIZENS' CHARTER REVIEW COMMISSION
FEBRUARY 15, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Brian Bochner
Terry Childers
Chuck Ellison
Patrick Gendron
Paul Greer
Gary Halter, absent
Tony Jones
Lynn McIlhaney
Buck Prewitt

City Staff:

Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Jason Stuebe, Assistant to the City Manager

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Citizens' Charter Review Commission was called to order by Chair Lynn McIlhaney at 4:00 p.m. on Wednesday, February 15, 2012 in the City Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

2. Hear Visitors

There were no citizen comments.

3. Presentation, possible action, and discussion on minutes for February 1, 2012 Regular Meeting.

MOTION: Upon a motion made by Commissioner Prewitt and a second by Commissioner Childers, the Commission voted five (5) for and none (0) opposed, with Chair McIlhaney and Commissioners Jones and Gendron abstaining, to approve the minutes of the February 1, 2012 Regular Meeting, as submitted. The motion carried.

4. Presentation, possible action, and discussion on Article XI Franchises and Public Utilities within the City Charter.

City Attorney Carla Robinson explained the rationale behind the article and briefly discussed state statutes related to franchises.

Jason Stuebe, Assistant to the City Manager, provided a presentation on Article XI Franchises and Public Utilities. He stated the City maintains an exclusive right to public property, which covers streets, easements, rights-of-way, etc. The City may grant non-exclusive franchises for persons or corporations providing general public services such as heat, water, light and power, etc. The primary purpose for franchises is to establish reasonable standards of service and quality. Within the general terms, a franchise cannot exceed 25 years (most are 5 years), cannot be exclusive, and imposes a fee – typically 5% or as allowable by law. The City maintains the right to conduct site visits and inspect documentation, financial records, etc. and provides for penalties for non-compliance. There is a prescribed franchise process. Within that process, there must be three separate readings of the ordinance granting the franchise. This is the only multiple reading the City requires. The franchise takes effect 60 days after final passage, and a petition by voters may halt the franchise and require an election. Current franchises include Suddenlink, Atmos Energy, BTU, Texas Commercial Waste, Brazos Valley Recycling, and others.

Staff recommends reducing the number of separate readings for the franchise ordinance from three to two, and to update the Charter language to comply with state law by decreasing the percentage of voters necessary for a petition, increasing the number of published notice days with the applicant bearing the expense, and updating ballot language to comply with the Election Code.

The Commission directed staff to prepare draft language on those areas staff finds cumbersome. Commissioner Bochner recommended staff look at the Frisco and Pearland charters.

5. Presentation, possible action, and discussion on Article X Initiative, Referendum and Recall within the City Charter.

The Commission discussed various areas of concern such as the percentage of registered voters required on a petition and grounds for recall. Another issue is limiting petition signers to only those that actually voted in the election in question.

Related to grounds for recall, staff was directed to bring back language that mirrors the requirements for state officials. Staff will also research options regarding Council having the prerogative to remove members including those in conjunction with the charter section describing qualifications to serve. Staff was also asked to estimate the number of days necessary to verify a petition if a requirement that only those who voted in the election in question was added.

6. Presentation, possible action, and discussion on amending the attached Plan of Work, any items on the Plan of Work, and possible criteria to be used in order to add items to the Plan of Work.

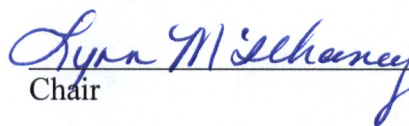
The Commission reviewed the Plan of Work. Staff was asked to add franchise verbiage to the next meeting.

7. Discussion and possible action on future agenda items.

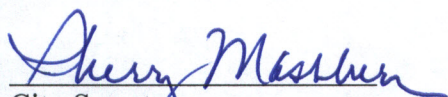
Tony Jones asked for clarification on "direct" and "indirect" conflict of interest.

8. Adjournment

MOTION: Upon a motion made by Commissioner Prewitt and a second by Commissioner Bochner, the Commission voted eight (8) for and none (0) opposed, to adjourn the regular meeting of the Citizens' Charter Review Advisory Commission on Wednesday, February 15, 2012 at 5:48 p.m. The motion carried unanimously.


Chair

ATTEST:


City Secretary